

**REMARKS**

The Final Office Action mailed June 11, 2009, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

**Rejection(s) Under 35 U.S.C. §102**

Claims 1 - 11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Weisbuch et al. (U.S. pat. no. 6,867,900).

Claim 1 has been amended to state, *inter alia*, that “the device is formed on a substrate, the optical guiding plane is a plane parallel to the substrate, and the luminescence light detection means is configured to receive luminescence light from the edge said plane parallel to the substrate.” Support for such an arrangement can be found for example in FIG. 1, showing detector 6 confronting edge 5 of guiding plane 2 for receipt of light therefrom. Newly added claim 13 recites a similar arrangement.

Thus, in the claimed arrangement, light recovery is realized on the edge of the substrate, as compared to Weisbuch et al., which collects light from above and suffers from the common disadvantages associated with the first and second prior art configurations described in the State of The Art section of Applicants’ disclosure. Advantages of Applicants’ claimed arrangement are legion, as explained for example in the paragraph bridging pages 13 and 14, wherein it is stated that “one may further cut costs by choosing a strip of photodetectors rather than a matrix of photodetectors, and “all of the optical functions inscribed on the chip, for example the refocusing of the contact or the filtering, make it possible not to have to include these functions in the reader, which can in fact be summarised as a wide light source, a receptacle for the chip and a strip of photodetectors. Since the collection of the fluorescence is extremely efficient, such a low cost reader will moreover be a highly sensitivity reader.”

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. §102 only if each and every claim element is found, either expressly or inherently

described, in a single prior art reference.<sup>1</sup> The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. §102 rejection based on *Weisbuch et al.* is respectfully urged.

### **Newly-Added Claims**

Claim 13 has been added to further particularly point out and distinctly claim the subject matter regarded as the invention.

### **Conclusion**

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,

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<sup>1</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).